

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NYKCOOL A.B.,

Plaintiff,

-against-

PACIFIC INTERNATIONAL SERVICES,
INC., PAN AMERICAN TRADING
COMPANY, INC., FRUIT IMPORTERS
AMERICAS, INC., PACIFIC GROUP
HOLDING, INC., ECUADORIAN LINE,
SOUTH PACIFIC SHIPPING CO. LTD.,
ALVARO FERNANDO NOBOA PONTON,
CARLOS AGUIRRE, CARLOS AHLSTROM,
EDWARD HICKEY, ROBERT KISSINGER,
and TRUISFRUIT S.A.,

Defendants,

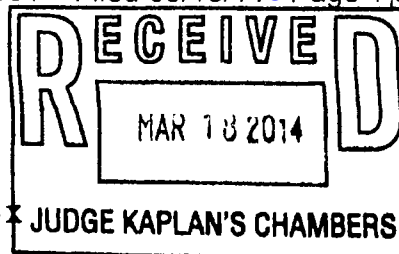
-and-

PACIFIC FRUIT INC. and KELSO
ENTERPRISES LTD.,

Defendants-in Interest.

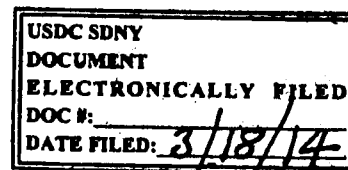
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The Court previously issued an Order dated March 11,
2014 granting Plaintiff NYKCOOL A.B.'s ("NYKCOOL") motion
for default judgment as to Truisfruit, S. A. For the
reasons set forth in the Order of March 11, 2014 judgment
is granted in favor of NYKCOOL in the amount of \$8,
787,157.00, together with interest and costs thereon,
against Truisfruit, S.A.



12 Civ. 5754 (LAK) (AJP)

JUDGMENT PURSUANT TO
RULE 54 (B) OF THE
FEDERAL RULES OF CIVIL
PROCEDURE



In this case claims against defendant Truisfruit, S.A. upon which judgment is granted are separate from the remaining claims. Additionally, the Court finds no just reason for delay, largely for the same reasons as set out in the Judgment dated June 26, 2013 against other defendants in this action, which noted the long history of frustration in the plaintiff's efforts to collect more than \$8 million dollars by the actions of the defendants and that the plaintiff should not be further prejudiced by the continued pendency of the action against the remaining defendants.

Further, as stated in the Report and Recommendation of Magistrate Judge Andrew J. Peck, dated December 20, 2013 ("R & R"), referred to in the Court's Order of March 11, 2014, all attached funds and funds placed into the Court's registry in this matter by Garnishee Redi Fresh Produce, Inc. pursuant to a Consent Order dated October 28, 2013 ("Consent Order") should be released and turned over to the plaintiff in partial satisfaction of its judgment against Truisfruit, A.B. That Consent Order provides for disbursement of said funds, *inter alia*, upon any decision or order of this Honorable Court (DKT. No. 126:10/28/13 Consent Order). The R & R recommended the Court should enter a judgment directing the release of all of the

attached funds (including those in the Court's registry) together with interest thereon, to NYKCOOL, up to the full amount of the judgment of NYKCOOL in the amount of \$8, 787,157.00. The funds held in the Court's registry now consist of \$1,376,787.60 (DKT. No. 126:10/28/13 Consent Order) and \$142,785.72, which was placed into the Court's CRIS account on November 20, 2013. (See 11/18/13 Dkt. Entry). All of said funds should be turned over to NYKCOOL, together with all accumulated interest earned on said amounts while in the Court's CRIS account, less any authorized registry fees, upon serving a signed copy of this Order upon the Clerk of Court, United States District Court for the Southern District of New York, at U.S. Treasury, Agency Locator #4654, ABA Routing #021030004; Room 120, and on a Financial Deputy in the Cashier's Office in Room 120.

IT IS SO ORDERED, ADJUDGED and DECREED that judgment in favor of the plaintiff NYK Cool, A.B. is entered as against defendant Truisfruit, S.A. for \$8,787,157.00 jointly and severally with the other defendants against which judgment has been previously entered, together with interest and costs thereon.

That the funds as above described held in the Court's CRIS account with respect to this matter be turned over to

the plaintiff, with accumulated interest, less any authorized registry fees, and that;

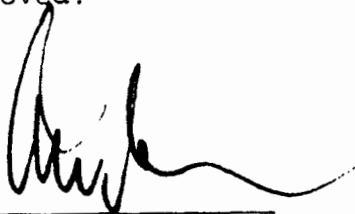
This Judgment is hereby certified and entered by the Court, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, which has determined there is no just reason for delay of the entry of final judgment and that the Court has and does hereby direct that the judgments granted hereby shall be final judgments for all purposes.

IT IS SO ORDERED

Dated: New York, New York

March 19, 2014

Approved:



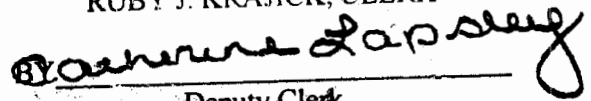
Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York

Ruby J. Krajick
Clerk of the Court

By: _____

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A CERTIFIED COPY
RUBY J. KRAJICK, CLERK


Deputy Clerk